

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Initially, Applicants would like to thank the Examiner for the indication that claims 8, 9 and 13-15 contain allowable subject matter.

In the Official Action, the Examiner rejects claims 1, 3, 4, 10, 16, 17, 19, 22, 23, and 25 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,940,642 to Ishiguro (hereinafter "Ishiguro"). Additionally, the Examiner rejects claims 1, 5, 6, 12, 19-23, and 25 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,750,914 to Sannoh et al. (hereinafter "Sannoh"). Furthermore, the Examiner rejects claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Ishiguro. Still further, the Examiner rejects claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Ishiguro in view of Japanese Document No. 2002-218501 to Yoshida (hereinafter "Yoshida"). Still further, the Examiner rejects claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Sannoh in view of U.S. Patent No. 6,184,930 to Mitsuhashi et al., (hereinafter "Mitsuhashi"). Still further yet, the Examiner rejects claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Sannoh in view of U.S. Patent No. 5,873,007 to Ferrada Suarez (hereinafter "Ferrada"). Lastly, the Examiner rejects claim 24 under 35 U.S.C. § 103(a) as being unpatentable over Ishiguro or Sannoh in view of U.S. Patent No. 6,734,899 to Okamoto (hereinafter "Okamoto").

In response, independent claims 1 and 23-25 have been amended to clarify their distinguishing features.

The Examiner has rejected the present application by citing prior references which disclose a finder apparatus for presenting a marker indicating the image pickup area or

position for usual photography, and which disclose a gray balance chart as a correction member for color balance of a camera.

However, a feature of the independent claims of the present application is to present a positioning marker used during photographing a calibration pattern. Such a feature is neither shown nor suggested in the cited references. To clarify such a distinction between the cited references and independent claims 1 and 23-25, the “marker” recited in the same has been amended to clarify that such --marker corresponds to one of the known shape and the known surface of the object for calibration--.

The amendment to claims 1 and 23-25 is fully supported in the original disclosure, particularly in the specification at page 14, lines 18-19 and page 15, lines 3-5. Therefore, no new matter has been entered into the disclosure by way of the amendment to claims 1 and 23-25.

Turning now to the prior art references cited by the Examiner, Ishiguro discloses an SLR camera showing markers (106A or 106B) of different sizes corresponding to an image plane size of a selected CCD (see the Abstract and column 3, line 64 through column 4, line 3 of Ishiguro).

Sannoh discloses an image pick-up device showing information as to whether or not an image can be picked-up, wherein a target mark is displayed as a photography criterion on the finder display, and a form of the target mark is changed based on the content of the information as to whether or not an image can be picked-up (see the Abstract of Sannoh).

Yoshida discloses a stereo adapter for attaching to a camera, and a finder display for stereo pair image photography in an image pickup device for photographing stereo images.

Mitsuhashi discloses an electronic still camera having a display for displaying picked up image data (see the Abstract of Mitsuhashi).

Ferrada discloses a composition guide system that can display a guide on the viewfinder and can customize which guide to display out of a plurality of guides (see the Abstract of Ferrada).

Okamoto discloses a gray balance correction chart and a correction function of a digital camera using the gray balance correction chart (see the Abstract of Okamoto).

The cited references do not disclose or suggest where the “marker corresponds to one of the known shape and known surface of the object for calibration” and a positioning marker presentation member configured to present the positioning marker in the finder.

Therefore, none of the cited references, whether taken individually or in combination disclose or suggest a “positioning marker presentation member corresponding to the shape or surface attribute of the object for calibration” as is now recited in independent claims 1 and 23-25.

With regard to the rejections of claims 1, 3-6, 10, 12, 16, 17, 19-23 and 25 under 35 U.S.C. §§ 102(a) and 102(e), a finder apparatus and marker presentation member as claimed in independent claims 1, 23, and 25, is nowhere disclosed in either Ishiguro or Sannoh. Since it has been decided that “anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the

claim,”¹ independent claims 1, 23, and 25 are not anticipated by either Ishiguro or Sannoh. Accordingly, independent claims 1, 23, and 25 patentably distinguish over both Ishiguro and Sannoh and are allowable. Claims 3-6, 10, 12, 16, 17, 19-22 being dependent upon claim 1 are thus allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejections of claims 1, 3-6, 10, 12, 16, 17, 19-23 and 25 under 35 U.S.C. §§ 102(b) and 102(e).

With regard to the rejection of claims 2, 7, 11 and 18 under 35 U.S.C. § 103(a), since independent claim 1 patentably distinguishes over the prior art and is allowable, claims 2, 7, 11 and 18 are at least allowable therewith because they depend from an allowable base claim. Consequently, the Examiner is respectfully requested to withdraw the rejections of claims 2, 7, 11 and 18 under 35 U.S.C. § 103(a).

With regard to the rejection of claim 24 under 35 U.S.C. § 103(a), the same is not rendered obvious by the cited references because neither the Ishiguro patent, the Sannoh patent, nor the Okamoto patent whether taken alone or in combination, teach or suggest a method for presenting a marker for positioning for calibration photography having the features described above. Accordingly, claim 24 patentably distinguishes over the prior art and is allowable. Consequently, the Examiner is respectfully requested to withdraw the rejection of claim 24 under 35 U.S.C. § 103(a).

¹ Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Thomas Spinelli', written over a horizontal line.

Thomas Spinelli
Registration No.: 39,533

Scully, Scott, Murphy & Presser
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343
TS:cm